

Title	From Interrogatories for collecting unpaid victim restitution in criminal cases (adopt form CR-200, <i>Form Interrogatories –Crime Victim Restitution</i>)
Summary	The proposed form interrogatories would assist crime victims in collecting unpaid restitution.
Source	Criminal Law Advisory Committee
Staff	Joshua Weinstein, 415-865-7688
Discussion	These form interrogatories would assist crime victims in collecting unpaid restitution. Code of Civil Procedure section 2033.5(d) and (e) provide that the Judicial Council shall adopt form interrogatories for this purpose. This form is based on the existing Judicial Council form interrogatories, modified to primarily address the criminal defendant's financial status. Specifically, the interrogatories require information regarding the defendant's income, employment, assets, and liabilities.
	Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): ATTORNEY FOR (Name): 	TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional):
<div style="font-size: 24pt; font-weight: bold;">DRAFT 3</div> <div style="font-size: 24pt; font-weight: bold;">3/12/03</div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BRANCH, IF ANY: SHORT TITLE OF CASE:	
<div style="text-align: center; font-weight: bold; font-size: 12pt;">FORM INTERROGATORIES – CRIME VICTIM RESTITUTION</div> <div style="margin-top: 10px;"> Asking Party: Answering Party: Set No.: </div>	CASE NUMBER:

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to the action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use by victims in criminal cases to assist in recovering unpaid restitution.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure section 2030.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use by victims in criminal cases to assist in recovering unpaid restitution as provided in Code of Civil Procedure section 2033.5(d) and (e).
- (b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (c) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

- (a) You must answer or provide another appropriate response to each interrogatory checked by the asking party.
- (b) As a judgment debtor you must disclose assets up to an amount clearly sufficient to satisfy the judgment.
- (c) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure section 2030 for details.
- (d) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (e) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(f) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(g) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(h) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(i) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

"I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct."

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) PERSON** includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.
- (b) ADDRESS** means the street address, including city, state and zip code.
- (c) DOCUMENT** means all written, recorded or graphic materials, however stored, produced or reproduced.
- (d) ASSET or PROPERTY** includes any interest in real estate or personal property. It includes any interest in pension, profit-sharing, or retirement plan.
- (e) SUPPORT** means any benefit or economic contribution to the living expenses of another person, including gifts.

Section 5: Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section .

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 Current Income
- 4.0 Employment Information
- 5.0 Employment History
- 6.0 Support Received From Others
- 7.0 General Background Information—Business
- 8.0 Bank Accounts and Cash
- 9.0 Property
- 10.0 Other Assets
- 11.0 Other Income
- 12.0 Liabilities and Debts

1.0 Identity of Persons Answering These Interrogatories

- ☐ 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the response to these interrogatories. *(Do not identify anyone who simply typed or simply reproduced the responses.)*

2.0 General Background Information—Individual

- ☐ 2.1 State:
- (a) your full name;
 - (b) every name you have used in the past;
 - (c) dates you used each name.
- ☐ 2.2 State that date and place of your birth.
- ☐ 2.3 State:
- (a) your present residence **ADDRESS** and telephone number;
 - (b) if you live in a private home, apartment or other type of residence;
 - (c) if you live in a private home, who owns it;
 - (d) if you live in an apartment, the name and address of your landlord, the monthly rent and who pays it;
 - (e) your residence **ADDRESSES** for the past five years; and
 - (f) the dates you lived at each **ADDRESS**.
- ☐ 2.4 State:
- (a) the name, **ADDRESS**, and of each school or other academic or vocational institution you have attended, beginning with high school;
 - (b) the dates you attended;
 - (c) the highest grade level you have completed;
 - (d) the degrees you received;
 - (e) the date the degree were received.
- ☐ 2.5 Do you have a drivers license or identification card? If so, state:
- (a) the state or other issuing entity;
 - (b) the license number, type and expiration date.
- ☐ 2.6 State any and all social security numbers that you have.
- ☐ 2.7 Are you married? If so, state:
- (a) your spouse's full name;
 - (b) any maiden name;
 - (c) date of your marriage;
 - (d) your spouse's current **ADDRESS**.
- ☐ 2.8 Have you ever filed bankruptcy? If so, state:
- (a) the disposition;
 - (b) the court;
 - (c) the year.

- ☐ 2.9 Have you filed income tax during the last three years? If so, state:
- (a) the dates filed;
 - (b) a date and place where the records can be inspected;
 - (c) if you are attaching the income tax records.

3.0 Current Income

- ☐ 3.1 State:
- (a) List all income you received during the past 12 months, its source, the basis for its computation, and the total amount received from each source.

4.0 Employment Information

- ☐ 4.1 State:
- (a) the name, **ADDRESS**, and telephone number of your present employer;
 - (b) your current title, the nature of your work, and dates of employment;
 - (c) if you work part time or full time;
 - (d) frequency of payment (weekly, bi-weekly, or monthly);
 - (e) gross pay;
 - (f) net pay;
 - (g) if you receive additional compensation for overtime pay;
 - (h) the average amount of overtime you work per week;
 - (i) form of payment of salary (check, cash or other, if other please explain);
 - (j) the name, **ADDRESS** of each bookkeeper, payroll clerk or other person having records of salaries or other sums of money paid to you by your present employer.
- ☐ 4.2 Are you self-employed or an independent contractor? If so, state:
- (a) the address and telephone numbers of the persons or businesses for whom work or services were performed during the last twelve months;
 - (b) the nature of work or services performed and the dates they were provided;
 - (c) if you billed each service or work performed at a flat rate, hourly rate, or job rate, and the amount of payment you received;
 - (d) the name, **ADDRESS** of each bookkeeper, payroll clerk or other person having records of salaries or other sums of money paid to you during the last three years for your work.

5.0 Employment History

- ☐ 5.1 State:
- (a) the name, **ADDRESS**, dates of employment, job title and nature of work for each employer or self-employment you have had for the last five years.

6.0 Support Received From Others

- ☐ 6.1 Have you received any financial support in the last three years? If so, state:
- (a) the name, age, **ADDRESS**, and relationship to you of each **PERSON** for whom you have received **SUPPORT**;
 - (b) the dates you received the support and the amount you received.

7.0 General Background Information—Business

- ☐ 7.1 Are you a partnership? If so, state:
- (a) the current partnership name;
 - (b) all other names used by the partnership in the last five years and the dates each was used;
 - (c) whether you are a limited partnership and if so, under the laws of what jurisdiction;
 - (d) the name and **ADDRESS** of each general partner;
 - (e) the **ADDRESS** of the principal place of business.
- ☐ 7.2 Have you done any business under a fictitious name during the last five years? If so, state:
- (a) the current and any former fictitious business name(s);
 - (b) the name;
 - (c) the dates each was used;
 - (d) the **ADDRESS** of the principal place of business.

8.0 Bank Accounts and Cash

- ☐ 8.1 Do you have, in your own name or jointly, any bank account, commercial savings, credit union or safe deposit box? If so, state:
- (a) the institution's name and **ADDRESS** where the account or the safe deposit box is located;
 - (b) the amount of the balance of any account and the contents of any safe deposit box;
 - (c) the source of the money in any account;
 - (d) the date you last made a deposit;
 - (e) the type and the amount of your last deposit;
 - (f) the amount of cash that you currently possess.
- ☐ 8.2 Does your spouse have, in his or her own name or jointly, any bank account, commercial savings, credit union or safe deposit box? If so, state:
- (a) the institution's name and **ADDRESS** where the account or the safe deposit box is located;
 - (b) the source of the money in your spouse's bank account or safe deposit box.

9.0 Property

- ☐ 9.1 Do you or your spouse own or have any interest in property in California or elsewhere? If so, state:
- (a) the **ADDRESS** of any real estate, land, buildings, apartments, condominiums in which you hold an interest;
 - (b) the date acquired and the current value of any real estate, land, buildings, apartments, condominiums in which you hold an interest.
- ☐ 9.2 Do you or your spouse own or have any interest in stocks, bonds, other securities, an IRA, Keough, or deferred compensation account? If so, state:
- (a) the source, value and location.
- ☐ 9.3 Are you or your spouse entitled to any money from any federal, state, city, county, or governmental department or agency? If so, state:
- (a) the agency, the date you received or will receive the money and the amount.
- ☐ 9.4 Have you or your spouse inherited any money or property in the last two years? If so, state:
- (a) the nature and value of the property and the date you received it.
- ☐ 9.5 Do you or your spouse have a vehicle? If so, state:
- (a) the model, make, year and owner's name;
 - (b) if you own it;
 - (c) if it is encumbered, state to whom and to the amount.

- ☐ 9.6 Do you have any pending civil actions? If so, state:
- (a) the parties names, the court, and the case number;
 - (b) the nature of the claim.
- ☐ 9.7 During the last three years have you received any judgments or insurance settlements? If so, state:
- (a) the source or the judgment or insurance settlement;
 - (b) the amount of the judgment or insurance settlement.
- ☐ 9.8 Have you or your spouse applied for a loan from any bank, credit union, financial company or other lending institution in the last three years? If so, state:
- (a) if the loan was approved;
 - (b) the amount of the loan;
 - (c) what you or your spouse did with the proceeds.
- ☐ 9.9 Do you own any of the following items? If so, describe the item, the item's location, approximate value and any joint owner.
- (a) office equipment;
 - (b) farm equipment;
 - (c) gemstones or jewelry;
 - (d) camera or video equipment;
 - (e) antiques;
 - (f) precious metals (gold or silver);
 - (g) musical instruments;
 - (h) weapons;
 - (i) motorcycles;
 - (j) motor homes;
 - (k) boats;
 - (l) airplanes;
 - (m) furs;
 - (n) watches;
 - (o) stamp or coin collections;
 - (p) china;
 - (q) original works of art;
 - (r) crystal.

10.0 Other Assets

- ☐ 10.1 Does any person, company or institution owe you money? If so, state:
- (a) Name, **ADDRESS**, and telephone number of the person or institution;
 - (b) the amount of the debt;
 - (c) the basis of the debt;
 - (d) the date the debt is due to be paid.
- ☐ 10.2 Do you have any pending court proceedings where you have posted cash bail with any California court to appear? If so, state:
- (a) the name of the court and date of posting;
 - (b) amount of cash bailed posted;
 - (c) date to appear.
- ☐ 10.3 Do you have any pending court proceedings where you have posted cash bail with any California court to appear? If so, state:
- (a) the name of the court and date of posting;
 - (b) amount of cash bailed posted;
 - (c) date to appear.

11.0 Other Income

- ☐ 11.1 During the last three years have you received cash or other property not identified in the above interrogatories? If so, state:
- (a) the nature and value of the property;
 - (b) the source of the cash or property;
 - (c) the current location of the cash or property.

12.0 Liabilities and Debts

- ☐ 12.1 Are there any other judgments of record against you? If so, state:
- (a) the date entered;
 - (b) the location of the court and the names of the parties;
 - (c) the case number;
 - (d) the amount of the judgment;
 - (e) if you have made any payments;
 - (f) the amount and source of the payments;
 - (g) the amount still due.
- ☐ 12.2 What are your average monthly expenses and how are they met?
- ☐ 12.3 Are there any liens, levies, or garnishments against your assets or wages? If so, please explain in detail.